

01  
02  
03  
04  
05  
06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, )  
09 Plaintiff, ) CASE NO. CR10-124-MJP  
10 v. )  
11 SINISA GAVRIC, ) DETENTION ORDER  
12 Defendant. )  
13 \_\_\_\_\_ )

14 Offense charged: Conspiracy to Distribute Marijuana

15 Date of Detention Hearing: May 3, 2010

16 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
17 based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
18 that no condition or combination of conditions which defendant can meet will reasonably assure  
19 the appearance of defendant as required and the safety of other persons and the community.

20 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

21 1. Defendant has been charged with a drug offense the maximum penalty of which  
22 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both

01 dangerousness and flight risk, under 18 U.S.C. §3142(e).

02       2.       Defendant was born in Bosnia, and moved to Ontario, Canada with his family in  
03 1996. He relocated to Vancouver, BC in 2006. He has family members and a girlfriend in  
04 Bosnia, and traveled to that country recently. He was previously married for six months to a  
05 Serbian national who resides in Canada. The defendant is a citizen of Bosnia and a permanent  
06 resident of Canada, in the process of becoming a citizen of Canada. It appears that a conviction  
07 for the current charges would seriously threaten his ability to reside in Canada.

08       3.       Defendant reports self-employment as a painter for the last three years. The  
09 AUSA proffers that the circumstances surrounding the instant charges indicate a substantial  
10 marijuana smuggling endeavor involving a number of other individuals. Defendant and the other  
11 individuals were allegedly arrested while traversing a wooded area on snowshoes with large  
12 quantities of marijuana in their backpacks. The defendant's backpack included several machetes.

13       4.       Defendant poses a risk of nonappearance due to his Bosnian citizenship and the  
14 likely adverse affect a conviction in the instant case would have on his attempt to become a  
15 Canadian citizen. An immigration detainer has been filed, posing the risk that the defendant  
16 might be deported to Bosnia, rather than to Canada. He has strong ties to Bosnia, and his source  
17 of income is unverified. Defendant poses a risk of danger due to the nature of the current charges  
18 and alleged possession of machetes.

19       5.       Taken as a whole, the record does not effectively rebut the presumption that no  
20 condition or combination of conditions will reasonably assure the appearance of the defendant  
21 as required and the safety of the community.

22 It is therefore ORDERED:

- 01 (1) Defendant shall be detained pending trial and committed to the custody of the  
02 Attorney General for confinement in a correction facility separate, to the extent  
03 practicable, from persons awaiting or serving sentences or being held in custody  
04 pending appeal;
- 05 (2) Defendant shall be afforded reasonable opportunity for private consultation with  
06 counsel;
- 07 (3) On order of a court of the United States or on request of an attorney for the  
08 Government, the person in charge of the corrections facility in which defendant  
09 is confined shall deliver the defendant to a United States Marshal for the purpose  
10 of an appearance in connection with a court proceeding; and
- 11 (4) The clerk shall direct copies of this Order to counsel for the United States, to  
12 counsel for the defendant, to the United States Marshal, and to the United States  
13 Pretrial Services Officer.

14 DATED this 3rd day of May, 2010.

15   
16 \_\_\_\_\_  
17 Mary Alice Theiler  
18 United States Magistrate Judge  
19  
20  
21  
22